

Chapter 6

ANIMALS AND FOWL*

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ARTICLE I. IN GENERAL

Sec. 6-1. Definitions and interpretation.

(a) The responsibility for the control of rabies within the city shall rest with the department, and the director of the department is duly designated as the local health authority for the purpose of the Rabies Control Act of 1981 (Art. 4477-6a Tex. Rev. Civ. Stat. Ann.).

(b) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Current rabies vaccination means a rabies vaccination that was administered in compliance with the requirements of Chapter 826 of the Texas Health and Safety Code and Title 25 Texas Register, Chapter 169 and that has not expired under the terms thereof.

Department means the department of health and human services.

Director means the director of health and human services or his designee.

Dog kennel means any lot, enclosure, premises, structure or building whereon or wherein

four or more dogs over the age of six months are kept or maintained for any purpose whatsoever.

Humane organization means a nonprofit corporation that maintains a permanent shelter facility within the city for the care and custody of sick, injured, lost, abandoned or strayed animals and provides veterinary services for the care of the animals kept in its shelter facility under the supervision of a veterinarian who is employed or retained by the corporation.

Neuter refers to permanent sterilization to render male animals incapable of impregnating female animals by means of either surgery performed to remove the testicles or chemical sterilization by which the animals are injected with a drug approved by the United States Food and Drug Administration for that purpose.

Running at large or to run at large means the going upon public or private property by an animal without the owner or person in charge thereof having direct physical control over the animal; the terms include any animal whatsoever that may be staked, tied or hobbled in any manner within the city limits in such manner as to allow such animal to go or get upon the public streets or sidewalks.

***Charter reference**—General authority to regulate animals, Art. II, § 16(k), (l), (q), (u), (w), (x).

Cross references—Animal regulations at airports generally, § 9-63; riding of animals over airport landing areas, § 9-66; restriction on location of abattoirs or rendering plants, § 10-271 et seq.; animals in food service establishments, § 20-21, Item 28; hunting at Lake Houston, § 23-9; notice to be given of use of guard dogs, § 28-5; carrying advertisements on animals, § 28-40; noisy animals and birds, § 30-13; riding or driving animals in parks, § 32-30; molesting animals in parks, § 32-31; hunting in parks, § 32-34; fishing in parks, § 32-35; the Houston Zoo, § 32-146 et seq.; bringing animals onto zoo grounds, § 32-152; application of traffic ordinances to persons riding animals, § 45-20.

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Spay refers to permanent sterilization to prevent female animals from having estrus (heat) cycles and eliminating the ability to become pregnant by means of either surgery performed on an animal to remove the ovaries and uterus or chemical sterilization by which female animals are injected with a drug approved by the United States Food and Drug Administration for that purpose.

Sterilized refers to a spayed or neutered dog or cat.

Sterilized pet license means a current and valid license issued under this chapter for a dog or cat that has been spayed or neutered.

Unsterilized refers to a dog or cat that has not been spayed or neutered.

Unsterilized pet license means a current and valid license issued under this chapter for a dog or cat that has not been spayed or neutered.

Veterinarian means any person who is duly licensed to practice as a doctor of veterinary medicine by the licensing authority of any one or more of the 50 United States or the District of Columbia, provided that such person is acting within the course and scope of his license and practicing in a state or district in which such license is recognized for the practice of veterinary medicine.

Veterinary hospital means any place where medical and surgical treatment is administered to animals by or under the supervision of a veterinarian.

(c) The violation of any provision of this chapter 6 is hereby declared to be unlawful. Unless another penalty is expressly applicable as provided in any section or subsection hereof, then a violation shall be punishable as provided in section 1-6 of this Code and the provisions of section 1-6 are expressly invoked for such purpose. Provided, however, any violation of any provision of this chapter which constitutes an offense under article 4477-6a, Tex. Rev. Civ. Stat. or other applicable state laws shall be punishable as provided thereunder.

Code 1968, § 6-1; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 69-1769, § 1, 9-24-69; Ord. No. 71-2189,

§ 1, 12-11-79; Ord. No. 81-198, § 1, 2-4-81; Ord. No. 85-296, §§ 1—3, 3-1-85; Ord. No. 93-996, § 1, 8-18-93; Ord. No. 03-393, § 1, 4-23-03; Ord. No. 05-104, § 1, 2-2-05)

Sec. 6-2. Owner's responsibility for animals at large.

An owner or any other person having the right of possession of an animal shall ensure that such animal does not run at large in violation of this chapter and shall be subject to punishment under this chapter without regard to whether he was acting with a culpable mental state.
(Code 1968, § 6-1.1; Ord. No. 80-744, § 1, 4-20-80)

Sec. 6-3. Running at large of domestic animals or fowl prohibited.

The running at large of domestic animals or domestic fowl, within the city limits is hereby declared to be a nuisance and it shall be unlawful for the owner or keeper of any such animal or fowl to permit the same to run at large within the city.
(Code 1968, § 6-2; Ord. No. 69-985, § 1, 7-2-69)

Charter reference—Authority to prohibit livestock from being at large, Art. II, § 16(k).

Sec. 6-4. Impoundment of animal running at large.

(a) It shall be the duty of the department to establish an animal control center in the city, at such place as may be designated by the city council, where all animals found running at large in violation of section 6-3 of this Code shall be received and taken care of.

(b) The provisions of this section shall not apply to "estrays" as defined in section 142.002 of the Texas Agriculture Code.

(Code 1969, § 6-3; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 71-942, § 1, 5-25-71; Ord. No. 78-2552, § 1, 12-19-78)

Charter reference—Authority to impound livestock found at large, Art. II, § 16(k).

Sec. 6-5. Unauthorized impoundment of animals.

(a) It shall be unlawful for any person, other than a peace officer, an animal control officer of the department or a member or employee of a

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humane organization approved by the health officer to engage in the catching or impounding of animals. It is a defense to prosecution under this section that:

- (1) The animal impounded was unlawfully running at large upon property under the possession or control of the person catching it;
- (2) The animal was caught and held in a humane manner, and
- (3) That the capture of the animal was promptly reported to the animal control center for the pick-up of said animal.

(b) The provisions of this section shall not apply to "estrays" as defined in section 142.002 of the Texas Agriculture Code.

(Code 1968, § 6-7; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-6. General regulations as to care, keeping and using of animals.

Every owner, caretaker or user of any animal within the city limits shall be required to observe the following rules, regulations, terms and conditions in connection with the care, keeping and using of such animals, and any person violating

any provisions hereof shall be deemed guilty of an offense:

- (1) All stables or other enclosures in which such animal is kept and the ground upon which same is situated shall be kept and maintained in a clean and sanitary condition, and all stables and fences surrounding such lot where the animal is kept and the feed troughs and water troughs, with which such animals are fed and watered, shall be free from any projection or thing whereon or whereby such animal may be injured.
- (2) All animals shall be fed with a quantity of good, wholesome food sufficient to keep them in a good, well-nourished condition, and such food shall be served to such animals in a clean, sanitary manner.
- (3) All work and milk animals shall be fed salt at proper and regular intervals.
- (4) All horses or mules worked or used shall have good substantial shoes upon each hoof.
- (5) No animal shall be used or worked where there are any sores upon such animal's body, legs, head or shoulders.
- (6) All harness used on any work animal shall be fitted to such animal and shall be free from any wire, rivets, break, tear or anything else that will irritate or make sores on such animal.
- (7) No animal shall be worked to any wagon, which wagon has not been, and is not being kept, well-greased, or where either the pole or the singletree is in such condition as may cause injury to such animals.
- (8) No animal drawing a wagon or other vehicle which is loaded shall be driven faster than a walk.
- (9) All animals shall be provided with pure, clean water in sufficient quantities at all times.
- (10) No sick or crippled animal shall be worked or used, nor shall such animal be led or driven in, on, upon or through any street of the city.

- (11) No person shall run, or be concerned with the running, of any horse race in, along or across any public road, public square or public street in the city.

(Code 1968, §§ 6-8, 6-19; Ord. No. 69-985, § 1, 7-2-69)

Charter reference—Authority of city to provide for animal welfare regulations, Art. II, § 16(w).

Sec. 6-7. Destruction of wounded animals.

(a) When from any cause it may happen that any animal within the corporate limits of the city shall be so wounded, maimed or injured as to render its recovery hopeless, then it shall be the duty of the health officer to cause it to be destroyed. Such destruction shall take place as soon after such injury as practicable, and shall be conducted in such manner as the health officer shall determine to be the least painful. Upon destruction, the health officer shall direct or cause the carcass thereof to be lawfully removed and disposed of. When the health officer shall cause any animal to be destroyed under this section, it shall be his duty to file a report in writing of such destruction with the city secretary. Such report shall show:

- (1) A description of the animal destroyed, and the name of the owner thereof, if known.
- (2) The injury which made destruction necessary, and how same was inflicted, and by whom, if known.
- (3) The names of at least two (2) reliable witnesses, who are conversant with the facts of the injury and the destruction.

(b) The provision of subsection (a) shall not apply to veterinarians or veterinary hospitals.

(Code 1968, § 6-10; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-8. Breeding of livestock.

It shall be unlawful for any person to breed, or permit or cause to be bred, any livestock within the corporate limits of the city, unless the same shall be done within the confines of an enclosure. For the purposes of this section, an "enclosure" shall be construed to mean a barn or other building. (Code 1968, § 6-11; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-9. Driving livestock through streets.

It shall be unlawful for any person to drive cattle, horses, mules, hogs, sheep or goats over the public streets and ways of the city unless prior written permission to do so has been obtained from the chief of police. Any person desiring such permission shall make written request therefor to the chief of police designating the type and number of such animals to be driven, the route upon which they will be driven, the means of control thereof which will be employed and the time or times at which they will be driven. The chief of police shall grant such permission unless he affirmatively determines upon investigation of the request that it would pose a burden upon pedestrian or vehicular traffic or otherwise pose a danger to the safety or welfare of the public.

(Code 1968, § 6-13; Ord. No. 69-985, § 1, 7-2-69)

Charter reference—Authority to regulate the driving of livestock through streets, Art. II, § 16(q).

Sec. 6-10. Staking, hitching or hobbling animals.

(a) It shall be unlawful for any person to stake, tie or hobble any animal whatsoever on any lot of which he is not the owner.

(b) It shall be unlawful for any person to obstruct any street or sidewalk by hitching or staking out any animal or to permit any animal to be so hitched or staked out that it can go upon or across any street or sidewalk.

(c) It shall be unlawful for any person to tie or fasten any animal to any tree, or to the box around any tree, planted or growing in any street or public place, or to a fence or lamppost which is the property of another without such other person's consent therefor.

(Code 1968, § 6-14; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-11. Keeping of swine and goats prohibited; exception for milch goats.

It shall be unlawful for any person to keep or maintain within the limits of the city one or more hogs, swine, pigs, or goats, other than milch goats. This section shall not apply to milch goats for which a permit has been obtained from the health officer. Any person desiring a milch goat permit

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shall make written application therefor to the health officer setting forth the number of milch goats to be kept, and the place where they will be kept. Such person shall also furnish proof that each goat to be kept has been tested for and found to be free of brucellosis within the preceding thirty (30) days and shall pay a nonrefundable fee of ten dollars (\$10.00) for examination of the place where the milch goat or goats are to be kept. The health officer shall cause such place to be examined and shall issue the permit unless the examination reveals that it is unsanitary or that milch goats can not be kept at such place in conformity with section 6-12. Permits issued pursuant to this section shall be valid for one year from the date of issuance. However, such a permit may be subject to suspension or revocation upon the finding pursuant to a public hearing conducted by the health officer that the holder of such permit has failed to comply with the applicable provisions of this article, provided that the holder of such permit shall be given prior notice of date, time and place of the hearing setting forth the grounds upon which the suspension or revocation is based and affording the holder an opportunity to appear in person and/or through counsel, present evidence and cross examine all witnesses appearing at such hearing. (Code 1968, § 6-15; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-12. Restriction on keeping of milch goats.

It shall be unlawful for any person to keep, possess or maintain in the city any milch goats or any pens or enclosures in which any such milch goats are kept, possessed or maintained, within one hundred (100) feet of any actual residence or habitation of human beings, or within one hundred (100) feet of any church, school or hospital, other than the residence of the keeper, possessor or owner of such milch goats, such distance of one hundred (100) feet to be measured in a straight line from the nearest point of any pen or enclosure in which such milch goats or sheep are kept to the nearest point of such actual residence or place of human habitation, or church, school or hospital. Provided that this section shall not apply to a qualified institution, approved by the health officer, where such milch goats are being kept for teaching and research purposes.

(Code 1968, § 6-16; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-13. Restrictions on keeping cattle.

(a) It shall be unlawful for any person to keep, possess, or maintain any cow, calf, steer, or bull or any horse, mule, donkey or other animal of the equine family on any uncovered parcel of land unless such parcel of land shall have a minimum area of 5,000 square feet for one such animal, and 2,500 additional square feet for each additional animal.

(b) It shall be unlawful for any person to keep, possess or maintain any cow, calf, steer or bull or any horse, mule, donkey or other animal of the equine family within 100 feet of any actual residence or building used for human habitation (other than that of the keeper or owner of such animal), or any restaurant, cafe, or other public eating place, or any church, school or hospital. Such distance of 100 feet shall be measured in a straight line from the nearest point of the shed, stable, barn, pen or fenced enclosure or area in which the animal is contained to the nearest point of such actual residence or building used for human habitation, restaurant, cafe or other public eating place, or church, school or hospital. (Code 1968, §§ 6-17, 6-18; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 86-43, § 1, 1-21-86)

Sec. 6-14. Exemption from sections 6-11 through 6-13.

The provisions of sections 6-11 through 6-13 shall prohibit neither the temporary keeping of the animals for slaughter by slaughterhouses, for treatment by veterinary hospitals or for exhibition at fairs, shows, and circuses, nor the temporary or permanent keeping of the animals mentioned in sections 6-11 through 6-13 for teaching or research purposes at a medical school, a veterinary school, a high school agricultural facility, a licensed hospital, or a nonprofit university or college providing a degree program; provided that the person in charge of such animals shall not be relieved of the operation of any of the other applicable provisions of this Code, including, without limitation, those governing sanitary conditions, nuisances, and noises. The exemption extended above to high school agricultural facilities

shall apply only to facilities situated upon property that is owned and maintained by a public school district or a private school.

(Ord No. 01-535, § 1, 6-13-01)

Sec. 6-15. Storage, disposal, etc., of manure.

(a) Every person owning or leasing any stable or other building where any horse, mule or cattle is kept shall maintain a substantial and sufficient receptacle for manure, which must be so constructed and kept as to protect the contents from rain and so screened as to prevent access to flies, and all manure from such horse, mule or cattle must be placed in such receptacle.

(b) All persons owning or leasing any stable where horses, mules or cattle are kept shall have all manure from such animals removed from their premises at least twice in each week, and at no time shall the manure be allowed to accumulate in such a manner as to be a nuisance.

(c) In no event or circumstance shall any manure be thrown or deposited in any street or public place, or suffered to remain in such places. No person hauling manure through the streets shall permit the same to litter the streets. (Code 1968, § 6-20; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-16. Shooting or catching wild birds.

It shall be unlawful for any person to shoot or attempt to shoot or kill with any air rifle, bow and arrow, slingshot or firearm or other means, or to ensnare or catch by any means whatsoever any wild birds, old or young, within the limits of the city.

(Code 1968, § 6-21; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-17. Rabies control, generally.

(a) Confinement of animals that bite, scratch, attack, etc.:

- (1) Except as provided in subsection (a)(2) below, every animal that has rabies or symptoms thereof, and every animal that bites, scratches, or otherwise attacks any person within the city shall be impounded at once and held under observation by the health officer at the animal control center for ten days. If the owner of the animal

desires, the animal may be confined for observation in a veterinary hospital or clinic approved by the director at the owner's expense for the same period of time as the animal would be confined for observation at the animal control center. The director shall approve such a request upon a showing that the veterinary hospital or clinic proposed by the owner is able to properly confine and observe such animals, and that it is willing and available to confine the owner's animals. Provided, however, no dog may be confined in a veterinary hospital or clinic pursuant to this section if the dog is to be surrendered pursuant to article VI of this chapter.

- (2) Except where a dangerous dog must be surrendered to the director pursuant to article VI of this chapter, any dog that bites, scratches or otherwise attacks any person within the city limits while the animal is confined on the owner's premises may be quarantined on the owner's premises for a period of ten days immediately following the date such animal has attacked a person if the animal has a current rabies vaccination and a current city license at the time the attack occurred, provided that the animal is examined by a veterinarian either at the animal control center or at a private veterinary clinic at the beginning of the quarantine period, and again ten days later. If the animal is examined by a veterinarian at any place other than the animal control center, the owner shall provide the animal control center with a written report from such veterinarian setting out the results of each such examination within three days after the examination has been made.
- (3) Any owner or keeper of an animal subject to impoundment under this section that fails to keep the animal confined, fails to have the animal examined by a veterinarian, or fails to provide the animal control center a veterinarian's report of the results of an examination when required to do so under the provisions of this subsection (a) shall be guilty of a misdemeanor,

and upon conviction thereof, shall be fined not less than \$100.00 nor more than \$2,000.00.

(b) No animal that has rabies shall be allowed at any time on the streets or public ways of the city. No animal that has been suspected of having rabies shall be allowed at any time on the streets or public ways of the city until such animal has been released from observation by the health officer or under his direction.

(c) The owner, keeper or person in charge of any animal that has rabies or symptoms thereof, or that has been exposed to rabies, or that has bitten, scratched or otherwise attacked any person within the city shall, on demand, turn over such animal to the health officer.

(d) The body of any animal that has died of rabies shall not be disposed of except as directed by the health officer.

(e) The health officer shall check and record all cases of rabies and of suspected rabies.

(f) Any person having knowledge of an animal bite is hereby required to report it immediately to the department.

(Code 1968, § 6-22; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 71-942, § 1, 5-25-71; Ord. No. 78-2552, § 2, 12-19-78; Ord. No. 86-795, §§ 2, 3, 6-3-86; Ord. No. 92-1449, § 4, 11-4-92)

Charter reference—Penalties for ordinance violations, Art. II, § 12.

Cross references—Dangerous dogs, § 6-151 et seq.; assessment of fines against corporations, § 16-76; payment of fines, § 16-78; credit against fines for incarceration, § 35-6 et seq.

Sec. 6-17.1. Tattoos.

No animal which is impounded, quarantined or examined as required pursuant to section 6-17 of this chapter shall be released to its owner by the private veterinary hospital or by the animal control center at which it was impounded, quarantined or examined unless and until the animal has been permanently tattooed with an identification number by the animal control center. No animal shall be accepted by a private veterinary hospital for quarantine or examination pursuant to section 6-17, unless the animal has been first tattooed by or on behalf of the animal control

center. Animals which are impounded pursuant to section 6-111 of this Code shall also be tattooed by the animal control center in the same manner prior to their release from impoundment unless sold for research or teaching purposes pursuant to section 6-138. If performed by the city, the fee for the tattoo shall be \$5.00. Upon request, the director may deputize a private veterinarian to place any tattoo required under this section for an animal under the veterinarian's care; no fee shall be collected by the city for any tattoo which is placed by a private veterinarian, and the veterinarian may impose any fee for his services which is agreed between the veterinarian and his client. (Ord. No. 85-296, § 13, 3-1-85)

Sec. 6-18. Veterinarians to report communicable diseases.

Every veterinarian or other person who is called to examine or professionally attend any animal within the city having glanders or farcy, rabies, tuberculosis, or any other communicable disease shall, within 24 hours thereafter, report in writing to the department the following facts:

- (1) The location of such diseased animal.
 - (2) The name and address of the owner thereof.
 - (3) The type and character of the disease.
- (Code 1968, § 6-23; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-19. Powers of enforcement officers.

The health officer, the animal control officers and other authorized employees of the department shall have all of the powers and authority of police officers to the extent only and no further of enforcing this chapter and other ordinances of the city relating to animals and fowl. (Code 1968, § 6-25; Ord. No. 69-985, § 1, 7-2-69)

Sec. 6-20. Notice of violations.

All duly appointed and qualified peace officers, the animal control officers of the department, and the urban park rangers of the parks and recreation department are authorized to issue written

citations to persons violating this chapter or any other ordinance governing the regulation of animals.

(Code 1968, § 6-26; Ord. No. 69-985, § 1, 7-2-69; Ord. No. 03-1275, § 2, 12-17-03)

Sec. 6-21. Sale and coloring of baby fowl and rabbits.

(a) It shall be unlawful for any person to sell, offer or display for sale, barter, lease or give away any baby chickens, ducklings, goslings or rabbits. It is a defense to prosecution hereunder that the baby animal, if a chicken, duckling or gosling, is three weeks of age or older at the time of the alleged offense. It is a defense to prosecution hereunder that the baby animal, if a rabbit, is two months of age or older at the time of the alleged offense.

(b) It shall be unlawful for any person to dye, stain or otherwise alter the natural color of any chicken, duckling, gosling or rabbit.

(c) It shall be a defense to prosecution under subsection (a) or (b) above that the animal was sold, offered for sale, bartered, leased, given away or dyed or stained for commercial use or breeding purposes, for scientific, educational or governmental purposes or any other purpose not related to its being furnished or kept as a pet. (Ord. No. 85-296, § 4, 3-1-85)

Sec. 6-22. Congregations of unconfined and unlicensed stray cats and dogs.

It shall be unlawful for any person intentionally to cause, suffer or permit the maintenance of an attractive environment for the assembly of a congregation of unconfined and unlicensed stray cats or dogs by the placement of dog food or cat food. For purposes of this section a "congregation of unconfined and unlicensed stray cats or dogs" means any three or more dogs or cats which:

- (1) Are not confined in such a manner that they cannot of their own volition enter or leave the lot, tract or parcel of land upon which the food is placed; and
- (2) Are not wearing valid city license tags issued pursuant to Article IV of this chapter.

For purposes of this section, "cat food" or "dog food" means any commercially prepared cat or dog food or any other food item or product which is subject to consumption by dogs or cats. It shall be an affirmative defense that the dogs or cats were feral and that the person placed the food solely for the purpose of apprehending stray cats and dogs and delivering them to the animal control center or a humane organization or to vaccinate them against rabies and license them. (Ord. No. 85-296, § 12, 3-1-85)

Sec. 6-23. Enforcement by neighborhood protection official.

The neighborhood protection official shall have concurrent authority with the health officer to enforce the provisions of articles I and II of this chapter. However, the neighborhood protection official shall not impound any animal or issue any permit hereunder.

(Ord. No. 91-1102, § 2, 7-31-91; Ord. No. 93-514, § 13, 5-5-93; Ord. No. 94-674, § 4, 7-6-94; Ord. No. 98-613, § 16, 8-5-98)

Sec. 6-24. Defecation by dogs or cats.

(a) It is the duty of each person in control of a dog or cat to promptly remove and dispose of, in a sanitary manner, feces left by such dog or cat.

(b) It shall be the duty of each person in control of a dog or cat to be in possession of materials to remove feces left by such dog or cat.

(c) It is an affirmative defense to prosecution under this section that the person in control of the dog or cat is the owner of the premises, or the owner's agent of the premises, where the dog or cat deposits feces.

(d) Violation of this section is unlawful and any violation shall be punishable upon conviction by a fine of not less than \$75.00 or more than \$500.00. Each act in contravention of this section is a separate offence.

(Ord. No. 03-1275, § 1, 12-17-03)

Secs. 6-25—6-30. Reserved.

ARTICLE II. KEEPING OF FOWL, RABBITS AND GUINEA PIGS

Sec. 6-31. Location restrictions for fowl.

It shall be unlawful, except as provided in sections 6-33 and 6-34 of this Code, for any person to keep, possess or maintain in the city any chickens, turkeys, geese, ducks, pea-fowls, or any other bird or fowl, except parakeets, canaries, parrots, cockatoos, macaws or similar size birds, or any pens, enclosures, or other structures in which any such fowl are kept or possessed within 100 feet of any actual residence or habitation of human beings, or within 100 feet of any church, school or hospital, other than the residence of the keeper, possessor or owner of such fowl, such distance of 100 feet to be measured in a straight line from the nearest point of any pen, enclosure, or other such structure in which such fowl are kept to the nearest point of such actual residence or place of human habitation, or church, school or hospital.

(Code 1968, § 6-37; Ord. No. 70-1448, § 1, 8-25-70; Ord. No. 99-404, § 2, 4-28-99)

Sec. 6-32. Location restrictions for rabbits and guinea pigs.

It shall be unlawful, except as provided in section 6-33, for any person to keep, possess or maintain in the city any rabbits or guinea pigs, or any pens, enclosures, hutches, cages or other structures in which any such rabbits or guinea pigs are kept, possessed or maintained, within 100 feet of any actual residence or habitation of human beings, or within 100 feet of any church, school or hospital, other than the residence of the keeper, possessor, or owner of such rabbits or guinea pigs, such distance of 100 feet to be measured in a straight line from the nearest point of any pen, enclosure, hutch, cage or other such structure in which such rabbits or guinea pigs are kept to the nearest point of such actual residence or place of human habitation, or church, school or hospital.

(Code 1968, § 6-38)

Sec. 6-33. Keeping for commercial purposes.

It shall be unlawful for the owner or keeper of any geese, ducks, turkeys, chickens or other do-

mestic fowl or rabbits or guinea pigs, where such fowl or animals are kept for sale or for any purpose other than domestic use or home consumption, to allow such fowl or animals to roam in open pens on the ground; but such owner or keeper may keep such fowl or animals for sale or commercial purposes, provided he keeps such fowl or animals in batteries or coops arranged inside of buildings and kept in a sanitary condition, and he shall remove all droppings from such buildings, batteries or coops at least once each day, and disinfect and deodorize such buildings, batteries or coops at least once each day.

(Code 1968, § 6-39)

Sec. 6-34. Keeping for public showing.

Notwithstanding anything in this article, it shall be lawful for any person to keep, possess and maintain chickens, turkeys, geese, ducks, pea-fowls, guineas, rabbits and guinea pigs for the purpose of a legitimate showing of such fowl and animals for purely public exhibition, provided the conditions provided in this article are observed.

(Code 1968, § 6-40)

Sec. 6-35. Limitation on number to be kept.

No more than 30 chickens, or 30 turkeys, or 30 geese, or 30 ducks, or 30 pea-fowls, or 30 rabbits, or 30 guinea pigs, and no more than 40 of any combination of such chickens, turkeys, geese, ducks, pea-fowls, rabbits and guinea pigs shall be kept upon any lot or enclosure of the size of 65 by

125 feet or less. In the event that such fowl or animals are kept in a larger enclosure, the number so kept and maintained may be increased only in the ratio that the above figures of 30 and 40 bear to the increase in the square footage of such larger enclosure.

(Code 1968, § 6-41)

Sec. 6-36. Maintenance of premises where kept.

(a) Pens, hutches, or houses or any enclosure in which fowl, rabbits or guinea pigs are kept must be cleaned and disinfected daily, must be limed every two days and must be kept in a clean and sanitary condition at all times.

(b) Litter and droppings from such fowl, rabbits and guinea pigs must be collected daily and stored in a flytight container and hauled away at intervals of not to exceed seven days. Rabbit and guinea pig hutches must have traps or floors to keep droppings or urine from such animals off the ground.

(Code 1968, § 6-42)

Sec. 6-37. Keeping guineas prohibited.

It shall be unlawful to keep or maintain within the limits of the city any guinea fowl or guinea hens.

(Code 1968, § 6-43)

Sec. 6-38. Permit to keep chicken hens.

Notwithstanding anything in this article it shall be lawful for any person who has obtained a permit therefor from the health officer to keep, possess and maintain no more than seven chicken hens for the purpose of providing such person with fresh unfertilized eggs. A revocable permit therefor may be issued by the health officer for the keeping of seven or less chicken hens under the following conditions:

- (1) The applicant shall furnish or cause to be furnished to the health officer written certification from a licensed physician that in the opinion of such physician the applicant has need of fresh unfertilized chicken eggs for serious reasons pertaining to said person's health.

- (2) The health officer, after inspection by him or his authorized representative, has determined that the premises where the applicant proposes to keep the chicken hens is adequate for the number of chicken hens for which a permit is sought, and that if properly maintained, the keeping of the chicken hens will not create a health hazard or nuisance.

- (3) The permit, if granted, may be revoked upon finding pursuant to a public hearing conducted by the health officer that the permittee cannot or will not maintain the premises in a sanitary condition or that the permittee has failed to permit inspection by the health officer of the place where the hens are kept, provided that the permittee shall be given prior notice of the date, time and place of the hearing setting forth the grounds upon which the revocation is based and affording the permittee an opportunity to appear in person or through counsel, present evidence and cross examine witnesses appearing at such hearing.

(Code 1968, § 6-44; Ord. No. 68-308, § 1, 2-27-68)

Secs. 6-39—6-50. Reserved.

ARTICLE III. KEEPING OF WILD ANIMALS*

Sec. 6-51. Wild animal defined.

As used in this article, the term wild animal shall mean any mammal, amphibian, reptile or fowl of a species that is wild by nature and that, because of its size, vicious nature or other char-

***Editor's note**—Ord. No. 99-404, § 3, adopted April, 28, 1999, states that the provisions of Article III of Chapter 6 of the Code of Ordinances, Houston, Texas, as they read prior to their amendment in Section 1 of this Ordinance are saved from repeal for the limited purposes described by Section 6-57 of the Code of Ordinances, Houston, Texas. Any person who timely applies for and obtains a Special Permit under Section 6-57 shall, subject to full and continuing compliance with all of the provisions thereof, not be in violation of Section 6-52 of the Code of Ordinances, Houston, Texas, as amended in Section 1 of this Ordinance, by virtue of keeping the wild animal(s) authorized in the Special Permit.